

South Carolina General Assembly
121st Session, 2015-2016

(A281, R310, H5140)

AN ACT TO AMEND SECTION 59-1-425, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OPENING DATE FOR THE PUBLIC SCHOOL YEAR, SO AS TO MAKE GRAMMATICAL CHANGES; AND TO AMEND SECTION 59-18-325, AS AMENDED, RELATING TO CERTAIN ASSESSMENTS OF VARIOUS PUBLIC SCHOOL STUDENTS BASED ON GRADE LEVEL, SO AS TO REVISE VARIOUS ASSESSMENTS USED, MANNER OF PROCUREMENT, IMPLEMENTATION, AND ADMINISTRATION OF THESE ASSESSMENTS, AMONG OTHER THINGS.

Be it enacted by the General Assembly of the State of South Carolina:

Public school calendar, grammatical changes

SECTION 1. Section 59-1-425(A) of the 1976 Code, as added by Act 260 of 2006, is amended to read:

“(A) A local school district board of trustees of the State has the authority to establish an annual school calendar for teachers, staff, and students. The statutory school term is one hundred ninety days annually and must consist of a minimum of one hundred eighty days of instruction covering at least nine calendar months. However, beginning with the 2007-2008 school year, the opening date for students must not be before the third Monday in August, except for schools operating on a year-round modified school calendar. Three days must be used for collegial professional development based upon the educational standards as required by Section 59-18-300. The professional development must address, at a minimum, academic achievement standards including strengthening teachers’ knowledge in their content area, teaching techniques, and assessment. No more than two days may be used for preparation of opening of schools and the remaining five days may be used for teacher planning, academic plans, and parent conferences. The number of instructional hours in an instructional day may vary according to local board policy and does not have to be uniform among the schools in the district.”

Student assessments, procurement, administration, transitional report card

SECTION 2. Section 59-18-325(C) of the 1976 Code, as added by Act 200 of 2014, is amended to read:

“(C)To maintain a comprehensive and cohesive assessment system that signals a student’s preparedness for the next educational level and ultimately culminates in a clear indication of a student’s preparedness for postsecondary success in a college or career and to satisfy federal and state accountability purposes, the State Department of Education shall procure and maintain a summative assessment system.

(1) The summative assessment must be administered to all students in grades three through eight. The summative assessment must assess students in English/language arts and mathematics, including those students as required by the federal Individuals with Disabilities Education Act and by Title I of the Elementary and Secondary Education Act. For purposes of this subsection, ‘English/language arts’ includes English, reading, and writing skills as required by existing state standards. The assessment must be a rigorous, achievement assessment that measures student mastery of the state standards, that provides timely reporting of results to educators, parents, and students, and that measures each student’s progress toward college and career readiness. Therefore, the assessment or assessments must meet all of the following minimum requirements:

(a) compares performance of students in South Carolina to other students’ performance on comparable standards in other states with the ability to link the scales of the South Carolina assessment to the scales from other assessments measuring those comparable standards;

(b) be a vertically scaled, benchmarked, standards-based system of summative assessments;

(c) measures a student’s preparedness for the next level of their educational matriculation and individual student performance against the state standards in English/language arts, reading, writing, mathematics, and student growth;

(d) documents student progress toward national college and career readiness benchmarks derived from empirical research and state standards;

(e) establishes at least four student achievement levels;

(f) includes various test questions including, but not limited to, multiple choice, constructed response, and selected response, that require students to demonstrate their understanding of the content;

(g) be administered to all students in a computer-based format except for students with disabilities as specified in the student’s IEP or 504 plan, and unless the use of a computer by these students is prohibited due to the vendor’s restrictions on computer-based test security, in which case the paper version must be made available; and

(h) assists school districts and schools in aligning assessment, curriculum, and instruction.

(2)(a) Beginning in the 2017-2018 school year, each school district shall administer the statewide summative assessment, with the exception of alternate assessments, for grades three through eight during the last twenty days of school as determined by the district’s regular instructional calendar, not including make-up days. If an extension to the twenty-day time period is needed, the school district or charter school may submit a request for an extension to the State Board of Education before December first of the school year for which the waiver is

requested. The request must clearly document the scope and rationale for the extension. The request also must be accompanied by an action plan showing how the district or charter school will be able to comply with the twenty-day time frame for the following school year.

(b) Statewide summative testing for each student may not exceed eight days each school year, with the exception of students with disabilities as specified in their IEPs or 504 plans.

(c) The State Board of Education shall promulgate regulations outlining the procedures to be used during the testing process to ensure test security, including procedures for make-up days, and to comply with federal and state assessment requirements where necessary.

(d) In the event of school closure due to extreme weather or other disruptions, or significant school or district technology disruptions that impede computer-based assessment administration, the school district or charter school may submit a request to the department to provide a paper-based administration to complete testing within the last twenty days of school. The request must clearly document the scope and cause of the disruption.

(3) The department must procure and administer assessments in English/language arts and mathematics in grades three through eight, and administer assessments in science and social studies to all students in grades four through eight.

(4)(a) For the 2016-2017, 2017-2018, and 2018-2019 school years, the department is responsible for ensuring the procurement and administration of the ACT Plus Writing assessment. Following the 2018-2019 school year, the department shall procure and administer a standardized national test that meets the requirements of subsection (A) that documents student progress toward national college and career readiness benchmarks derived from empirical research, and is widely accepted by higher education institutions for admissions purposes. The department is responsible for continuing to procure and administer the WorkKeys assessments.

(b) For the 2016-2017, 2017-2018, and 2018-2019 school years, all public high schools and, where necessary, career centers, annually shall administer the WorkKeys assessment and the ACT Plus Writing college readiness assessment procured by the department to all eleventh grade students. Following the 2018-2019 school year, all public high schools and, where necessary, career centers, annually shall administer the college readiness and WorkKeys assessments procured by the department to all eleventh grade students. For the purposes of this section, 'eleventh grade students' means students in the third year of high school after their initial enrollment in the ninth grade.

(c) Valid accommodations must be provided according to the students' IEP/504 plan. If a student also chooses to use the results of the college readiness assessment for post secondary admission or placement, the student, his parent, or his guardian must indicate that choice in compliance with the testing vendor's deadline to ensure that the student may receive allowable accommodations consistent with the IEP or 504 plan that may yield a college reportable score.

(5) If funds are available, the State shall provide a two-year college or four-year college readiness assessment or the WorkKeys assessment to twelfth grade students who did not meet benchmarks on the eleventh grade assessment for college and career readiness at no cost to the students.

(6) Formative assessments must continue to be adopted, selected, and administered pursuant to Section 59-18-310.

(7) Within thirty days after providing student performance data to the school districts as required by law, the department must provide to the Education Oversight Committee student performance results on assessments authorized in this subsection and end-of-course assessments in a format agreed upon by the department and the Oversight Committee. The Education Oversight Committee must use the results of these assessments in school years 2014-2015, 2015-2016, and 2016-2017 to report on student academic performance in each school and district pursuant to Section 59-18-900. The committee may not determine state ratings for schools or districts, pursuant to Section 59-18-900, using the results of the assessments required by this subsection until after the conclusion of the 2016-2017 school year; provided, however, state ratings must be determined by the results of these assessments beginning in the 2017-2018 school year. The Oversight Committee also must develop and recommend a single accountability system that meets federal and state accountability requirements by the Fall of 2017. While developing the single accountability system that will be implemented in the 2017-2018 school year, the Education Oversight Committee shall determine the format of a transitional report card released to the public in the Fall of 2016 and 2017 that will also identify underperforming schools and districts. These transitional reports will, at a minimum, include the following: (1) school, district, and statewide student assessment results in reading and mathematics in grades three through eight; (2) high school and district graduation rates; and (3) measures of student college and career readiness at the school, district, and statewide level. These transitional reports will inform schools and districts, the public, and the Department of Education of school and district general academic performance and assist in identifying potentially underperforming schools and districts and in targeting technical assistance support and interventions in the interim before ratings are issued.

(8) When standards are subsequently revised, the Department of Education, the State Board of Education, and the Education Oversight Committee shall approve assessments pursuant to Section 59-18-320.”

Time effective

SECTION 3. This act takes effect upon approval by the Governor.

Ratified the 17th day of June, 2016.

Approved the 22nd day of June, 2016.